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**U.S. District Court
District of Columbia (Washington, DC)
CIVIL DOCKET FOR CASE #: 1:08-cv-01791-RJL**

UTAHAMERICAN ENERGY, INC. v. U.S. DEPARTMENT
OF LABOR

Assigned to: Judge Richard J. Leon

Case in other court: USCA, 10-05434

Date Filed: 10/20/2008

Date Terminated: 04/12/2010

Jury Demand: None

Nature of Suit: 895 Freedom of
Information Act

Jurisdiction: U.S. Government Defendant

Cause: 05:552 Freedom of Information Act

Plaintiff

UTAHAMERICAN ENERGY, INC.

represented by **Joseph Michael Klise**
CROWELL & MORING LLP
1001 Pennsylvania Avenue, NW
Suite 1100
Washington, DC 20004-2595
(202) 624-2629
Fax: (202) 628-5116
Email: jmklise@crowell.com
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Thomas Cornell Means
CROWELL & MORING LLP
1001 Pennsylvania Avenue, NW
Suite 1100
Washington, DC 20004-2595
(202) 624-2735
Fax: (202) 628-5116
Email: tmeans@crowell.com
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Willa B. Perlmutter
CROWELL & MORING LLP
1001 Pennsylvania Avenue, NW

Washington, DC 20004
(202) 624-2688
Email: WBPerlmutter@crowell.com
ATTORNEY TO BE NOTICED

V.

Defendant

U.S. DEPARTMENT OF LABOR

represented by **Marina Utgoff Braswell**
US ATTORNEYS OFFICE FOR THE
DISTRICT OF COLUMBIA
555 Fourth Street, NW
Room 10-413
Washington, DC 20530
(202) 514-7226
Fax: (202) 514-8780
Email: Marina.Braswell@usdoj.gov
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Date Filed	#	Docket Text
10/20/2008	<u>1</u>	COMPLAINT against U.S. DEPARTMENT OF LABOR (Filing fee \$ 350, receipt number 4616015768) filed by UTAHAMERICAN ENERGY, INC.. (Attachments: # <u>1</u> Exhibit, # <u>2</u> Civil Cover Sheet)(jf,) (Entered: 10/21/2008)
10/20/2008		SUMMONS (3) Issued as to U.S. DEPARTMENT OF LABOR, U.S. Attorney and U.S. Attorney General. (jf,) (Entered: 10/21/2008)
10/20/2008	<u>2</u>	LCvR 7.1 CERTIFICATE OF DISCLOSURE of Corporate Affiliations and Financial Interests by UTAHAMERICAN ENERGY, INC. (jf,) (Entered: 10/21/2008)
10/21/2008	<u>3</u>	NOTICE of Appearance by Joseph Michael Klise on behalf of UTAHAMERICAN ENERGY, INC. (Klise, Joseph) (Entered: 10/21/2008)
11/04/2008	<u>4</u>	NOTICE of Appearance by Willa B. Perlmutter on behalf of UTAHAMERICAN ENERGY, INC. (Perlmutter, Willa) (Entered: 11/04/2008)
11/06/2008	<u>5</u>	NOTICE of Appearance by Marina Utgoff Braswell on behalf of U.S. DEPARTMENT OF LABOR (Braswell, Marina) (Entered: 11/06/2008)

11/06/2008	6	SUMMONS Returned Executed by UTAHAMERICAN ENERGY, INC.. U.S. DEPARTMENT OF LABOR served on 10/28/2008, answer due 11/28/2008. (Attachments: # 1 Exhibit A, # 2 Exhibit B, # 3 Exhibit C)(nmw,) (Entered: 11/06/2008)
11/13/2008	7	STANDING ORDER. Signed by Judge Richard J. Leon on 11/12/2008. (lcrjl1) (Entered: 11/13/2008)
11/25/2008	8	ANSWER to 1 Complaint by U.S. DEPARTMENT OF LABOR. Related document: 1 Complaint filed by UTAHAMERICAN ENERGY, INC..(Braswell, Marina) (Entered: 11/25/2008)
01/09/2009	9	MEET AND CONFER STATEMENT. (Attachments: # 1 Text of Proposed Order) (Klise, Joseph) (Entered: 01/09/2009)
02/16/2009		Set/Reset Hearings: Scheduling Conference set for 3/3/2009 02:30 PM in Courtroom 18 before Judge Richard J. Leon. (lcrjl1) (Entered: 02/16/2009)
03/02/2009	10	NOTICE of Filing of Declaration of Patricia W. Silvey by U.S. DEPARTMENT OF LABOR (Attachments: # 1 Silvey Declaration, # 2 Silvey Declaration, Exhibit A) (Braswell, Marina) (Entered: 03/02/2009)
03/04/2009		MINUTE ORDER. It is hereby ORDERED that the following briefing schedule shall apply: Defendant's Motion for Summary Judgment is due July 10, 2009; plaintiff's Cross-Motion for Summary Judgment and Opposition to Defendant's Motion for Summary Judgment is due August 10, 2009; defendant's Reply in Support of Motion for Summary Judgment and Opposition to Plaintiff's Cross-Motion is due September 10, 2009; and Plaintiff's Reply in Support of Cross-Motion for Summary Judgment October 1, 2009. Signed by Judge Richard J. Leon on 3/3/2009. (lcrjl1) (Entered: 03/04/2009)
03/04/2009		Set/Reset Deadlines: Defendant's Summary Judgment motions due by 7/10/2009. plaintiff's cross-motion for Summary Judgment and opposition to defendant's motion for summary judgment due by 8/10/2009. defendant's Reply in support of motion for summary judgment and opposition to plaintiff's cross-motion due by 9/10/2009. Plaintiff's reply in support of cross-motion for summary judgment due by 10/1/2009. (kc) (Entered: 03/04/2009)
07/08/2009	11	Unopposed MOTION for Extension of Time to File <i>Dispositive Motion</i> by U.S. DEPARTMENT OF LABOR (Braswell, Marina) (Entered: 07/08/2009)

07/13/2009		MINUTE ORDER granting nunc pro tunc 11 Unopposed MOTION for Extension of Time to File Dispositive Motion by U.S. DEPARTMENT OF LABOR. It is hereby ORDERED that the motion is GRANTED nunc pro tunc. The schedule in this case is modified as follows: Defendant's Motion for Summary Judgment is due July 15, 2009; plaintiff's Cross-Motion for Summary Judgment and Opposition to Defendant's Motion for Summary Judgment is due August 14, 2009. The remaining dates set in the briefing schedule are unchanged. Signed by Judge Richard J. Leon on 7/13/2009. (lcrjl1) (Entered: 07/13/2009)
07/15/2009		Set/Reset Deadlines/Hearings: Defendant's Summary Judgment motions due by 7/15/2009. Plaintiff's cross-Motion for Summary Judgment and Opposition to Defendant's Motion for Summary Judgment due by 8/14/2009. The remaining dates set in the briefing schedule are unchanged. (kc) (Entered: 07/15/2009)
07/15/2009	1 2	MOTION for Summary Judgment by U.S. DEPARTMENT OF LABOR (Attachments: # 1 Fesak Declaration and Exhibits, # 2 Exhibit 1)(Braswell, Marina) (Entered: 07/15/2009)
08/14/2009	1 3	Cross MOTION for Summary Judgment by UTAHAMERICAN ENERGY, INC. (Attachments: # 1 Statement of Facts in support of Plaintiff's Cross-Motion for Summary Judgment, # 2 Exhibit A, Excerpts of IRT Report, # 3 Exhibit B, Excerpt of MSHA Investigative Report, # 4 Exhibit C, Declaration of Marco M. Rajkovich, # 5 Text of Proposed Order)(Klise, Joseph) (Entered: 08/14/2009)
08/14/2009	1 4	Memorandum in opposition to re 12 MOTION for Summary Judgment filed by UTAHAMERICAN ENERGY, INC.. (Attachments: # 1 Response to Defendant's Statement of Facts, # 2 Exhibit A, Excerpts of IRT Report, # 3 Exhibit B, Excerpt of MSHA Investigative Report, # 4 Exhibit C, Declaration of Marco M. Rajkovich, # 5 Text of Proposed Order)(Klise, Joseph) (Entered: 08/14/2009)
09/03/2009	1 5	Unopposed MOTION for Extension of Time to File Response/Reply as to 13 Cross MOTION for Summary Judgment and 14 <i>Opposition Memorandum</i> by U.S. DEPARTMENT OF LABOR (Braswell, Marina) (Entered: 09/03/2009)
09/08/2009		MINUTE ORDER granting 15 Defendant's Unopposed Motion for Enlargement of Time. It is hereby ORDERED that Defendant's motion is GRANTED, and it is further ORDERED that Defendant shall file its response to Plaintiff's cross motion for summary judgment no later than September 22, 2009, and that Plaintiff shall file its reply no later than October 14, 2009. Signed by Judge Richard J. Leon on 9/4/2009. (lcrjl1) (Entered: 09/08/2009)
09/09/2009		Set/Reset Deadlines/Hearings: Defendant's Response to Plaintiff's Cross Motion for Summary Judgment due by 9/22/2009. Plaintiff's Reply to Motion for Summary Judgment due by 10/14/2009. (kc) (Entered: 09/09/2009)

09/21/2009	<u>16</u>	Unopposed MOTION for Extension of Time to File Response/Reply as to <u>12</u> MOTION for Summary Judgment, <u>13</u> Cross MOTION for Summary Judgment by U.S. DEPARTMENT OF LABOR (Braswell, Marina) (Entered: 09/21/2009)
09/23/2009		MINUTE ORDER granting <u>16</u> Defendant's Unopposed Motion for 3-Day Enlargement of Time. It is hereby ORDERED that Defendant's motion is GRANTED; and it is further ORDERED that Defendant shall file its brief no later than September 25, 2009, and that Plaintiff shall file its brief no later than October 20, 2009. Signed by Judge Richard J. Leon on 9/23/2009. (lcrjl1) (Entered: 09/23/2009)
09/25/2009	<u>17</u>	Memorandum in opposition to re <u>13</u> Cross MOTION for Summary Judgment filed by U.S. DEPARTMENT OF LABOR. (Attachments: # <u>1</u> Response to plaintiff's statement of material facts, # <u>2</u> Supplemental Fesak Declaration, # <u>3</u> Supplemental Baxter Declaration, # <u>4</u> Honor Declaration, # <u>5</u> Mascolino Declaration, # <u>6</u> Adair decision)(Braswell, Marina) (Entered: 09/25/2009)
09/25/2009	<u>18</u>	REPLY to opposition to motion re <u>12</u> MOTION for Summary Judgment filed by U.S. DEPARTMENT OF LABOR. (Attachments: # <u>1</u> Supplemental Fesak Declaration, # <u>2</u> Supplemental Baxter Declaration, # <u>3</u> Honor Declaration, # <u>4</u> Mascolino Declaration, # <u>5</u> Adair decision)(Braswell, Marina) (Entered: 09/25/2009)
09/29/2009		Set/Reset Deadlines/Hearings: Defendant's Brief due by 9/25/2009. Plaintiff's due by 10/20/2009. (kc) (Entered: 09/29/2009)
10/20/2009	<u>19</u>	REPLY to opposition to motion re <u>13</u> Cross MOTION for Summary Judgment filed by UTAHAMERICAN ENERGY, INC.. (Attachments: # <u>1</u> Declaration of J. Michael Klise, # <u>2</u> Exhibit 1 to Declaration of J. Michael Klise, # <u>3</u> Exhibit 2 pt 1 to Declaration of J. Michael Klise, # <u>4</u> Exhibit 2 pt 2 to Declaration of J. Michael Klise, # <u>5</u> Exhibit 3 to Declaration of J. Michael Klise)(Klise, Joseph) (Entered: 10/20/2009)
03/31/2010	<u>20</u>	MEMORANDUM OPINION. Signed by Judge Richard J. Leon on 3/31/10. (kc) (Entered: 03/31/2010)
03/31/2010	<u>21</u>	FINAL JUDGMENT, For the reasons set forth in the Memorandum Opinion entered this date, it is hereby ORDERED the defendant's Motion for Summary Judgment <u>12</u> is GRANTED in part and DENIED in part. Specifically, it is GRANTED with respect to defendant's invocation of Exemptions 2,6, and 7(C). It is DENIED in all other respects. It is further ORDERED that plaintiff's Cross-Motion for Summary Judgment <u>13</u> is GRANTED in part and DENIED in part. Specifically, it is GRANTED to the extent DOL has performed an inadequate search and improperly withheld information under Exemptions 5 and 7(A). It is DENIED in all other respects. SO ORDERED. Signed by Judge Richard J. Leon on 3/31/10. (see final judgment.) (kc) (Entered: 03/31/2010)

04/07/2010	2 2	Unopposed MOTION for Extension of Time to File <i>Petitions for Attorneys' Fees and Costs</i> by UTAHAMERICAN ENERGY, INC. (Attachments: # 1 Text of Proposed Order)(Means, Thomas) (Entered: 04/07/2010)
04/12/2010		MINUTE ORDER granting 22 Plaintiff's Unopposed Motion to Enlarge Time to File <i>Petitions for Attorneys' Fees and Costs</i> . It is hereby ORDERED that the plaintiff's motion is GRANTED; and it is further ORDERED that the plaintiff's petition for attorneys' fees is due no later than April 28, 2010, and its petition for costs is due no later than May 5, 2010. Signed by Judge Richard J. Leon on 4/9/2010. (lcrjl1) (Entered: 04/12/2010)
04/14/2010		Set/Reset Deadlines: Plaintiff's Petition for attorneys' fees due by 4/28/2010 and it's petition for costs due by 5/5/2010. (kc) (Entered: 04/14/2010)
04/27/2010	2 3	Unopposed MOTION for Extension of Time to <i>File Petitions for Attorneys' Fees and Costs</i> by UTAHAMERICAN ENERGY, INC. (Attachments: # 1 Text of Proposed Order)(Klise, Joseph) (Entered: 04/27/2010)
04/28/2010	2 4	MOTION to Alter Judgment as to 21 Order on Motion for Summary Judgment,,,,, by U.S. DEPARTMENT OF LABOR (Attachments: # 1 Declaration of Lanesia Washington)(Braswell, Marina) (Entered: 04/28/2010)
04/28/2010	2 5	MOTION to Alter Judgment as to 21 Order on Motion for Summary Judgment,,,,, by UTAHAMERICAN ENERGY, INC. (Attachments: # 1 Exhibit 1, # 2 Exhibit 2, part 1, # 3 Exhibit 2, part 2, # 4 Text of Proposed Order)(Klise, Joseph) (Entered: 04/28/2010)
04/30/2010		MINUTE ORDER granting 23 Plaintiff's Unopposed Motion to Enlarge Time to File <i>Petitions for Attorneys' Fees and Costs</i> . It is hereby ORDERED that the motion is GRANTED; it is further ORDERED that the plaintiff's petition for attorneys' fees and costs shall be due no later than 28 days after the Court disposes of the parties' pending motions for clarification or to alter or amend the judgment; and it is further ORDERED that UEI's petition for costs shall be due no later than 35 days after the Court disposes of the parties' pending motions for clarification or to alter or amend the judgment. Signed by Judge Richard J. Leon on 4/29/2010. (lcrjl1) (Entered: 04/30/2010)
05/17/2010	2 6	Consent MOTION for Extension of Time to File Response/Reply as to 25 MOTION to Alter Judgment as to 21 Order on Motion for Summary Judgment,,,,, 24 MOTION to Alter Judgment as to 21 Order on Motion for Summary Judgment,,,,, by U.S. DEPARTMENT OF LABOR (Braswell, Marina) (Entered: 05/17/2010)

05/19/2010		MINUTE ORDER granting 26 Defendant's Consent Motion for an Enlargement of Time. It is hereby ORDERED that the motion is GRANTED; and it is further ORDERED that the parties shall have until May 24, 2010, to file their respective opposition briefs to the pending motions to alter or amend the judgment. Signed by Judge Richard J. Leon on 5/18/2010. (lcrjl1) (Entered: 05/19/2010)
05/24/2010		Set/Reset Deadlines: parties opposition briefs to pending motions to alter or amend judgment due by 5/24/2010. (kc) (Entered: 05/24/2010)
05/24/2010	2 7	Memorandum in opposition to re 24 MOTION to Alter Judgment as to 21 Order on Motion for Summary Judgment,,,,, filed by UTAHAMERICAN ENERGY, INC.. (Attachments: # 1 Text of Proposed Order, # 2 Text of Proposed Order)(Klise, Joseph) (Entered: 05/24/2010)
05/24/2010	2 8	Memorandum in opposition to re 25 MOTION to Alter Judgment as to 21 Order on Motion for Summary Judgment,,,,, filed by U.S. DEPARTMENT OF LABOR. (Braswell, Marina) (Entered: 05/24/2010)
06/02/2010	2 9	Consent MOTION for Extension of Time to File Response/Reply as to 25 MOTION to Alter Judgment as to 21 Order on Motion for Summary Judgment,,,,, 24 MOTION to Alter Judgment as to 21 Order on Motion for Summary Judgment,,,,, by U.S. DEPARTMENT OF LABOR (Braswell, Marina) (Entered: 06/02/2010)
06/04/2010		MINUTE ORDER granting 29 Defendant's Consent Motion for Brief Enlargement of Time. It is hereby ORDERED that the defendant's motion is GRANTED; and it is further ORDERED that the parties' respective reply briefs shall be due no later than June 8, 2010. Signed by Judge Richard J. Leon on 6/3/2010. (lcrjl1) (Entered: 06/04/2010)
06/08/2010	3 0	REPLY to opposition to motion re 24 MOTION to Alter Judgment as to 21 Order on Motion for Summary Judgment,,,,, filed by U.S. DEPARTMENT OF LABOR. (Braswell, Marina) (Entered: 06/08/2010)
06/08/2010	3 1	REPLY to opposition to motion re 25 MOTION to Alter Judgment as to 21 Order on Motion for Summary Judgment,,,,, filed by UTAHAMERICAN ENERGY, INC.. (Attachments: # 1 Supplemental Declaration of J. Michael Klise)(Klise, Joseph) (Entered: 06/08/2010)
11/03/2010	3 2	MEMORANDUM ORDER, Ordered that plaintiff's Rule 59(e) motion 25 to Alter or Amend the Judgment is GRANTED. SO ORDERED. Signed by Judge Richard J. Leon on 11/2/10. (see memorandum order.) (kc) (Entered: 11/03/2010)
11/04/2010		MINUTE ORDER denying 24 Defendant's Motion to Alter or Amend Judgment. It is hereby ORDERED that defendant's motion is DENIED. Signed by Judge Richard J. Leon on 11/04/2010. (lcrjl1) (Entered: 11/04/2010)

12/01/2010	3 3	Unopposed MOTION for Extension of Time to <i>File Motion for Attorneys' Fees and Bill of Costs</i> by UTAHAMERICAN ENERGY, INC. (Attachments: # 1 Text of Proposed Order)(Klise, Joseph) (Entered: 12/01/2010)
12/01/2010	3 4	MOTION to Alter Judgment as to 32 Order on Motion to Alter Judgment by U.S. DEPARTMENT OF LABOR (Braswell, Marina) (Entered: 12/01/2010)
12/02/2010		MINUTE ORDER granting 33 Plaintiff's Unopposed Third Motion to Enlarge Time to File Motion for Attorneys' Fees and Bill of Costs. It is hereby ORDERED that plaintiff's motion is GRANTED. Plaintiff shall file its motion for attorneys' fees and costs and its bill of costs on or before thirty (30) days after the date on which the Court disposes of defendant's motion to clarify, modify, or reconsider the Court's November 3, 2010 Memorandum Order. Signed by Judge Richard J. Leon on 12/02/2010. (lcrjl1) (Entered: 12/02/2010)
12/13/2010	3 5	Memorandum in opposition to re 34 MOTION to Alter Judgment as to 32 Order on Motion to Alter Judgment filed by UTAHAMERICAN ENERGY, INC.. (Attachments: # 1 UEI v. MSHA, No. 08-1780 (D.D.C. July 23, 2010), # 2 Text of Proposed Order)(Klise, Joseph) (Entered: 12/13/2010)
12/22/2010	3 6	NOTICE OF APPEAL as to 21 Order on Motion for Summary Judgment,,,,, 32 Order on Motion to Alter Judgment, Order on Motion to Alter Judgment by U.S. DEPARTMENT OF LABOR. Fee Status: No Fee Paid. Parties have been notified. (Braswell, Marina) (Entered: 12/22/2010)
12/22/2010	3 7	REPLY to opposition to motion re 34 MOTION to Alter Judgment as to 32 Order on Motion to Alter Judgment filed by U.S. DEPARTMENT OF LABOR. (Braswell, Marina) (Entered: 12/22/2010)
12/23/2010	3 8	Transmission of the Notice of Appeal, Order Appealed, and Docket Sheet to US Court of Appeals. The Court of Appeals docketing fee was not paid because the fee was an Appeal by the Government re 36 Notice of Appeal. (jf,) (Entered: 12/23/2010)
12/29/2010	3 9	Supplemental Record on Appeal transmitted to US Court of Appeals re 36 NOTICE OF APPEAL ; 38 Transmission of Notice of Appeal and Docket Sheet to USCA ; (jf,) (Entered: 12/29/2010)
12/29/2010		USCA Case Number 10-5434 for 36 Notice of Appeal filed by U.S. DEPARTMENT OF LABOR. (mmh) (Entered: 12/29/2010)
02/01/2011		MINUTE ORDER denying 34 Defendant's Motion to Alter or Amend the Court's November 3, 2010 Amended Judgment. It is hereby ORDERED that defendant's motion to alter or amend judgment is DENIED. Signed by Judge Richard J. Leon on 2/1/2011. (lcrjl1) (Entered: 02/01/2011)

03/02/2011	4 0	Consent MOTION for Extension of Time to <i>File Motion for Attorneys' Fees and Bill of Costs</i> by UTAHAMERICAN ENERGY, INC. (Attachments: # 1 Text of Proposed Order)(Klise, Joseph) (Entered: 03/02/2011)
03/07/2011		MINUTE ORDER granting 40 Consent Motion to Enlarge Time to File Motion for Attorneys' Fees and Bill of Costs. It is hereby ORDERED that plaintiff's motion is GRANTED. Plaintiff's motions for attorneys' fees and costs shall be due on or before forty-five (45) days after the date on which the Court of Appeals enters its judgment disposing of defendant's appeal in this case. Signed by Judge Richard J. Leon on 03/07/2011. (lcrjl1) (Entered: 03/07/2011)
05/06/2011	4 1	ORDER of USCA as to 36 Notice of Appeal filed by U.S. DEPARTMENT OF LABOR ; ORDERED that the motion be denied. It is further ordered, on the court's own motion, that the parties, while not otherwise limited, address in their briefs the court's jurisdiction to hear this appeal. (ls,) (Entered: 05/09/2011)

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